

REMARKS

In the last Office Action¹, the Examiner rejected claims 1-7, 9-45, and 47-59 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2003/0167229 to *Ludwig et al.* ("*Ludwig*").

Applicants propose to amend claims 1, 11, 16, 23, 28, 33, 34, 37, 38, 39, 49, 54, and 59. Claims 1-7, 9-45, and 47-59 would remain pending.

Applicants respectfully traverse the rejection of claims 1-7, 9-45, and 47-59 under 35 U.S.C. § 102(e) as being anticipated by *Ludwig*. In order to properly establish that *Ludwig* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, as amended, recites a method including, for example, "receiving a request configured in a first format at the server system, wherein the request includes a tag that indicates a response format associated with the requesting entity, the tag is a markup language tag, and the response format comprises a specified markup language to be used for a response." *Ludwig* does not disclose at least these elements of the Applicants' claimed invention.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

The Examiner has mischaracterized our specification. The Examiner alleges that “[a]s Applicant defines in the specification, a tag is ‘the type of corresponding response message required’ (abstract)” (Office Action at page 2). This is not correct. In fact, the Abstract in this Application states: “[T]he servlet . . . includes a transformer tag that designates the type of corresponding response message required” (emphasis added). “[T]ag is” as alleged by the Examiner does not constitute “tag that designates” (emphasis added), as actually recited in this Application.

The Examiner uses the mischaracterization of “tag,” to allege that *Ludwig* discloses “a tag that indicates a response format,” as recited in claim 1. *Ludwig* does not disclose a “tag” as one of skill in the art would understand it. Therefore, *Ludwig* does not teach a “tag.” However, in an effort to expedite prosecution, Applicants have amended claim 1 to recite “a tag is a markup language tag.”

First, the Examiner alleges that “*Ludwig* discloses a tag when he discloses a mark” (Office Action at page 2). *Ludwig* discloses: “the system may allow a user to select individual invoices . . . the system may maintain in a list all invoices that are marked as selected . . . ‘Close’ 608 may cause the system to mark as closed as closed all the invoices that are selected” (paragraph 0081-0082). “[I]nvoices that are marked as selected” can not constitute a “markup language tag” that “indicates a response format” (emphasis added), as recited in claim 1.

Second, the Examiner seems to allege that a “listbox of fields marked for export . . . listbox that allows the file format to be selected” as taught in *Ludwig* constitutes a “tag that indicates a response format” (Office Action at page 3). Even assuming that the Examiner’s characterization of *Ludwig* is correct, which the

Applicants do not concede, "a listbox" cannot constitute a "markup language tag" as recited in claim 1.

Furthermore, *Ludwig* discloses that the "system may permit . . . to select an option to display the details of selected invoice" (paragraph 0085). How "to display the details of selected invoice" can not constitute "a specified markup language to be used for a response," (emphasis added) as recited in claim 1.

Accordingly, *Ludwig* cannot anticipate claim 1. Claims 11, 16, 23, 28, 33, 34, 37, 38, 39, 49, 54, and 59 though of different scope than claim 1, recite similar elements, and are thus allowable over *Ludwig* for at least the same reasons as claim 1. Claims 2-10, 12-15, 17-22, 24- 27, 29-32, 35-36, 40-48, 50-53, and 55-58 depend from base claims 1, 11, 16, 23, 28, 34, 39, 49, and 54 respectively, and are thus allowable over *Ludwig* for at least the same reasons as claim 1.


In view of the foregoing remarks, Applicants respectfully request entry of this Amendment After Final, reconsideration of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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